FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.140/2007

Sou. Meerabai Mukund Rathod and others
...Versus...
Additional Collector, Washim and others

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

(S/Shri P.C. Madkholkar & Deepak Gupta, Advs. for petitioners)
(Shri D.M. Kale, A.G.P. for respdt. Nos.1 & 2)
(Shri P.Y. Khandpasole, Adv. for respdt. Nos.4 & 5)

CORAM:- A.B. CHAUDHARI, J.
DATED :- 25.06.2007.

Heard Shri Gupta, learned Counsel for the petitioners, Shri D.M. Kale, learned A.G.P. for respondent Nos.1 and 2 and Shri Khandpasole, learned Counsel for respondent Nos.4 nd 5.

Shri Gupta, Counsel for petitioners vehemently argued that the Additional Collector, who disqualified the petitioners did not hold enquiry by following the principles of natural justice. According to him, as an authority under the Act, the Additional Collector was under obligation to record detailed reasons in his order which according to Shri Gupta,

learned Counsel is not done. Advocate Shri Gupta then submits that the Additional Collector ought to have recorded evidence of the parties instead of drawing conclusions on the documents which were placed on record. He then submitted that disqualifying the petitioners has cast stigma on the petitioners and when stigma is attached, the Additional Collector should have held a trial instead of proceedings to rely upon the pleadings and documents.

Per contra, Shri Khandpasole, Counsel for respondent Nos.4 and 5 and Shri Kale, learned A.G.P. for respondent Nos.1 and 2 supported the impugned orders.

Having gone through the record as well as impugned orders and having heard Counsel for the parties as well as A.G.P. for respondents – State, it is clear that the respective payments were made to the husbands of petitioner Nos.2 and 3 by cheques signed by petitioner No.1 Sarpanch. The defence that ultimately the money was utilized for the purpose of Grampanchayat has not impressed the Courts below for the simple reason that the same was wholly irrelevant. What is contemplated by Section 14 (1) (g) of the Bombay Village Panchayats Act, 1958 is direct or indirect interest and, therefore, whether the money was utilized for the purpose of Grampanchayat or scheme of the Government is of no relevance. The fact, however, remains that by making payment by cheques in

the name of husbands of petitioner Nos.2 and 3 and in the name of petitioner Nos.1 and 4, direct interest in the contract can easily be inferred. Resultantly, I do not find any fault with the concurrent findings of facts recorded by the Additional Collector as well as Additional Commissioner. In the result, writ petition is dismissed. No order as to costs.

Prayer made by Shri Gupta, learned Counsel for the petitioners for extension of interim order earlier made by this Court is rejected.

JUDGE

ssw